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Board of Vocational Nursing
and Psychiatric Technicians

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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2009-2395

12 **PAULETTE SUE WOOD,**
13 **aka PAULETTE SUE DOWLING**
14 **1383 Harvard Place**
Hanford, California 93230

A C C U S A T I O N

15 **Vocational Nurse License No. VN 142050**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
21 Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 2. On or about December 16, 1988, the Board issued Vocational Nurse License Number
23 VN 142050 ("license") to Paulette Sue Wood, also known as Paulette Sue Dowling
24 ("Respondent"). Respondent's license expired on October 31, 2010.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that
27 the Board may discipline the holder of a vocational nurse license for any reason provided in
28 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

1 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued or reinstated. Under Code
4 section 4545, the Board may renew an expired license at any time within four years after the
5 expiration.

6 5. Code section 2878 states, in pertinent part:

7 The Board may suspend or revoke a license issued under this chapter [the
8 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)) for any of the
following:

9 (a) Unprofessional conduct . . .

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11 (d) Violating or attempting to violate, directly or indirectly, or assisting in
12 or abetting the violating of, or conspiring to violate any provision or term of this
chapter.

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14 (f) Conviction of a crime substantially related to the qualifications,
15 functions, and duties of a licensed vocational nurse, in which event the record of the
conviction shall be conclusive evidence of the conviction . . .

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17 (j) The commission of any act involving dishonesty, when that action is
18 related to the duties and functions of the licensee . . .

19 6. Code section 2878.5 states, in pertinent part:

20 In addition to other acts constituting unprofessional conduct within the
21 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

22

23 (b) Use any controlled substance as defined in Division 10 of the Health
24 and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic
beverages, to an extent or in a manner dangerous or injurious to himself or herself,
25 any other person, or the public, or to the extent that the use impairs his or her ability
to conduct with safety to the public the practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving possession of any
27 narcotic or dangerous drug, or the prescription, consumption, or self administration of
any of the substances described in subdivisions (a) and (b) of this section, in which
28 event the record of the conviction is conclusive evidence thereof.

.....
(e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to narcotics or
dangerous drugs as specified in subdivision (b).

7. Code section 2878.6 states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions and
duties of a licensed vocational nurse is deemed to be a conviction within the meaning
of this article. The board may order the license suspended or revoked, or may decline
to issue a license, when the time for appeal has elapsed, or the judgment of conviction
has been affirmed on appeal or when an order granting probation is made suspending
the imposition of sentence, irrespective of a subsequent order under the provisions of
Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty
and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
the accusation, information or indictment.

8. Code section 490, subdivision (a), states:

In addition to any other action that a board is permitted to take against a
licensee, a board may suspend or revoke a license on the ground that the licensee has
been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

9. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device
unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts
this device to sale by or on the order of a -----," "Rx only," or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

10. California Code of Regulations, title 16, section ("Regulation") 2504 states:

All persons holding a license from the Board shall file their current
mailing address with the Board at its office in Sacramento, and shall immediately
notify the Board of any and all changes of mailing address, within 30 days after the
change, giving both their old and new addresses and license number.

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1 **COST RECOVERY**

2 11. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

7 12. "Vicodin" is a compound consisting of 5 mg hydrocodone bitartrate (also known as
8 dihydrocodeinone) and 500 mg acetaminophen per tablet, and is a Schedule III controlled
9 substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

10 13. "Ambien", a brand of zolpidem tartrate, is a Schedule IV controlled substance as
11 designated by Health and Safety Code section 11057, subdivision (d)(32).

12 14. "Flurazepam" is a Schedule IV controlled substance as designated by Health and
13 Safety Code section 11057, subdivision (d)(14).

14 15. "Percocet", a brand of oxycodone, is a Schedule II controlled substance as designated
15 by Health and Safety Code section 11055, subdivision (b)(1)(M).

16 16. "Levoxyl" (levothyroxine), "Avodart" (dutasteride), and "Amoxicillin" are dangerous
17 drugs within the meaning of Code section 4022 in that they require a prescription under federal
18 law.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Criminal Conviction)**

21 17. Respondent is subject to disciplinary action pursuant to Code sections 2878,
22 subdivision (f), and 490, subdivision (a), in that on or about August 16, 2006, in Kings County
23 Superior Court, Case No. 06CM2066, Respondent pled guilty to violating Vehicle Code section
24 23152, subdivision (b) (driving with a blood alcohol of 0.08 percent or more), a misdemeanor, a
25 crime substantially related to the qualifications, functions, and duties of a licensed vocational
26 nurse. The circumstances of the crime are as follows: On or about April 17, 2006, officers with
27 the Hanford Police Department were dispatched to a non-injury traffic collision. Upon arrival,
28 the officers received a report from a witness, who stated that a female subject hit a parked vehicle

1 and fled the scene. The witness had followed the subject's vehicle and saw her park in the
2 driveway of a residence located at 1383 University. The officers went to the residence and made
3 contact with Respondent's husband, T. W., who was in the garage. T. W. stated that Respondent
4 had just arrived home in the vehicle. The officers observed damage on the right front side of the
5 bumper and one of the headlights and advised T. W. that the vehicle had been involved in a
6 collision. T. W. entered the residence to contact Respondent. T. W. returned and told the officers
7 that he was unable to wake Respondent and that she had taken Vicodin earlier in the day and
8 drank several beers. The officers entered the residence with T. W. and observed Respondent
9 lying on her bed, snoring loudly. After several minutes, the officers were able to wake
10 Respondent. Respondent admitted to the officers that she drank 6 beers and had taken Vicodin.
11 Respondent also admitted that she had driven her vehicle to the store, but did not remember the
12 accident. The officers observed that Respondent's eyes were red and watery, her speech was
13 nearly incoherent due to her slurring, and she had a strong odor of an alcoholic beverage emitting
14 from her person. The officers arrested Respondent for driving under the influence of alcohol and
15 took her to the Hanford Police Department, where she underwent a breath test. Respondent's test
16 results showed that she had a blood alcohol of 0.22 and 0.21 percent.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Controlled Substances/Consumption of Alcoholic Beverages**

19 **to an Extent or in a Manner Dangerous or Injurious to Oneself and Others)**

20 18. Respondent is subject to disciplinary action pursuant to Code section 2878,
21 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
22 subdivision (b), in that on or about April 17, 2006, Respondent used the controlled substance
23 Vicodin and alcoholic beverages to an extent or in a manner dangerous or injurious to herself,
24 others, and the public, as set forth in paragraph 17 above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction Involving Consumption of Alcoholic Beverages)**

3 19. Respondent is subject to disciplinary action pursuant to Code section 2878,
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
5 subdivision (c), in that on or about August 16, 2006, Respondent was convicted of a criminal
6 offense involving the consumption of alcohol beverages, as set forth in paragraph 17 above.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(False Entries in Hospital/Patient Records)**

9 20. Respondent is subject to disciplinary action pursuant to Code section 2878,
10 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5,
11 subdivision (e), in that while employed and on duty as a licensed vocational nurse at Kings
12 Nursing and Rehabilitation Center located in Hanford, California, Respondent falsified, or made
13 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other
14 records pertaining to the controlled substances Ambien, Flurazepam, and Percocet and dangerous
15 drugs Levoxyl, Avodart, and Amoxicillin, as follows:

16 **Patient C**

17 b. On or about May 21, 2008, at approximately 2200 hours, Respondent signed out on
18 the Antibiotic Drug Record 1 tablet of Amoxicillin for the patient, but failed to chart the
19 administration of the Amoxicillin on the patient's medication administration record ("MAR") or
20 otherwise account for the disposition of the 1 Amoxicillin tablet.

21 c. On or about May 22, 2008, Respondent charted on the patient's MAR that she
22 administered 1 tablet of Amoxicillin to the patient at 2200 hours, but failed to sign out the
23 Amoxicillin on the patient's Antibiotic Drug Record.

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25 **Patient G**

26 d. On or about November 3, 2009, at 2130 hours, Respondent signed out on the
27 Controlled Drug Record ("CDR") 1 tablet of Ambien for the patient, but failed to chart the
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1 administration of the Ambien on the patient's MAR or otherwise account for the disposition of the
2 1 Ambien tablet.

3 e. On or about November 5, 2009, at 2030 hours, Respondent signed out on the CDR
4 1 tablet of Ambien for the patient, but failed to chart the administration of the Ambien on the
5 patient's MAR or otherwise account for the disposition of the 1 Ambien tablet.

6 f. On or about November 8, 2009, at 2100 hours, Respondent signed out on the CDR
7 1 tablet of Ambien for the patient, but failed to chart the administration of the Ambien on the
8 patient's MAR or otherwise account for the disposition of the 1 Ambien tablet.

9 **Patient H**

10 g. On or about November 4, 2009, at 2130 hours, Respondent signed out on the CDR
11 1 tablet of Flurazepam for the patient, but failed to chart the administration of the Flurazepam on
12 the patient's MAR or otherwise account for the disposition of the 1 Flurazepam tablet.

13 h. On or about November 5, 2009, at 2030 hours, Respondent signed out on the CDR
14 1 tablet of Flurazepam for the patient, but failed to chart the administration of the Flurazepam on
15 the patient's MAR or otherwise account for the disposition of the 1 Flurazepam tablet.

16 **Patient J**

17 i. On or about November 20, 2009, at 2000 hours, Respondent signed out on the CDR
18 2 tablets of Percocet for the patient, but failed to chart the administration of the Percocet on the
19 patient's MAR or otherwise account for the disposition of the 2 Percocet tablets.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Dishonest Acts)**

22 21. Respondent is subject to disciplinary action pursuant to Code section 2878,
23 subdivision (j), in that she committed acts involving dishonesty while employed as a licensed

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26 vocational nurse, as set forth in paragraph 20 above. Respondent committed additional dishonest
27 acts, as follows:

1 a. In or about October 2006, Respondent submitted an application to the Board for the
2 renewal of her license. On or about October 25, 2006, Respondent certified under penalty of
3 perjury that the information in her application was true and correct.

4 b. In or about September 2008, Respondent submitted an application to the Board for
5 the renewal of her license. On or about September 25, 2008, Respondent certified under penalty
6 of perjury that the information in her application was true and correct.

7 c. Respondent represented on her renewal applications that she had never been
8 convicted of violating any state laws. In fact, Respondent had been convicted on August 16,
9 2006, of violating Vehicle Code section 23152, subdivision (b), as set forth in paragraph 17
10 above.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Failure to Notify Board of Change in Address of Record)**

13 22. Respondent is subject to disciplinary action pursuant to Code section 2878,
14 subdivision (d), in that she violated Regulation 2504 by failing to notify the Board of a change in
15 her mailing address, from 1383 Harvard Place, Hanford, California 93230, to 1726 N. Douty
16 Street, Hanford, within 30 days after the change.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
20 issue a decision:

21 1. Revoking or suspending Vocational Nurse License Number VN 142050, issued to
22 Paulette Sue Wood, also known as Paulette Sue Dowling;

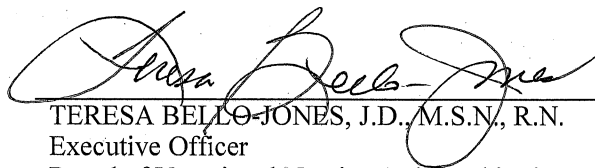
23 2. Ordering Paulette Sue Wood, also known as Paulette Sue Dowling, to pay the Board
24 of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
25 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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27 3. Taking such other and further action as deemed necessary and proper.

NOV 05 2012

DATED: _____



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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